

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re:)	Case No. 13-20820JAD
William H. Minney)	
Tammy J. Minney)	Chapter 13
Debtor(s).)	Related to: 11
)	
RONDA J. WINNECOUR,)	
Chapter 13 Standing Trustee,)	
Movant,)	
vs.)	
)	
LVNV Funding LLC, its successors and)	
Assigns as assignee of North Star)	
Capital Acquisition LLC)	
Resurgent Capital Services)	
Respondent(s).)	

TRUSTEE'S OBJECTION TO PROOF OF CLAIM #11

Ronda J. Winnecour, Chapter 13 Standing Trustee, respectfully represents the following:

1. The Debtor(s) filed a petition for relief, as captioned above, under Chapter 13 on February 27, 2013.
2. This Court has jurisdiction of this proceeding pursuant to 28 U.S.C. §§ 1334(a) and (b) and the Standing Order of Reference in effect for bankruptcy cases in the Western District of Pennsylvania. This is a core proceeding within the meaning of 28 U.S.C. §§ 157(b)(2)(B) and (O). This is a Motion brought under Federal Bankruptcy Rule 3007. The Statutory and Rule predicates for the relief requested are 11 U.S.C. §502(b) and Rule 3007.

Claim and Claim Objection

3. Respondent's Claim, at Claim No.11 provides an account summary detail that indicates, among other things, that the last date of activity and/or payment on the account was November 5, 2007.

4. Under Pennsylvania law, an action for breach of contract must be commenced within four years. 42 Pa.C.S. §5525. The statute of limitations begins to run on a claim from the time the cause of action accrues. *Packer Society Hill Travel Agency Inc. v. Presbyterian University of Pennsylvania Medical Center*, 635 A.2d 649, 652 (Pa. Super. 1993). Generally speaking, in a contract case arising out of payment default, the contract breach date is the date of the last payment. *Id.*

5. Because the date of the last payment with respect to this Claim was more than 4 years before the Petition date, it appears that the claim is unenforceable under applicable law and therefore should be disallowed under 11 U.S.C. §502(b)(1).

WHEREFORE, the Trustee respectfully requests an Order disallowing the above referenced claim.

RONDA J. WINNECOUR,
CHAPTER 13 TRUSTEE

Date:3/1/2018

By: /s/ Ronda J. Winnecour
Ronda J. Winnecour, PA I.D.30399
Chapter 13 Trustee
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Pittsburgh, PA 15219
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CERTIFICATE OF SERVICE

I hereby certify that on the 1ST of March 2018, I served one true and correct copy of the foregoing document along with the notice of hearing on the following parties in interest by United States first-class mail, postage prepaid, addressed as follows:

Joseph S. Sisca, Esquire
Assistant U.S. Trustee
Suite 970, Liberty Center
1001 Liberty Avenue
Pittsburgh PA 15222

LVNV Funding LLC, its successors and
Assigns as assignee of North Star
Capital Acquisitions LLC
Resurgent Capital
Po Box 10587
Greenville SC 29603-0587

LVNV Funding LLC, its successors and
Assigns as assignee of North Star
Capital Acquisitions LLC
Resurgent Capital
200 Meeting Street Suite 206
Greenville SC 29601

William and Tammy Minney
237 Valley Road
Canonsburg PA 15317

Scott Lowden, Esquire
3948 Monroeville Blvd Suite 2
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/s/Dianne DeFoor
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